IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,
AT HYDERABAD

THE HON'BLE MR JUSTICE A.GOPAL REDDY
and
THE HON'BLE MR JUSTICE P.SWAROOP REDDY

WRIT PETITION NO : 17739 of 2007

Date: 24.09.2007

Between:

Akula Mallamma

..... PETITIONER

AND

1. The Director General of Police, Andhra Pradesh, Hyderabad, and others.

.....RESPONDENTS

ORAL ORDER: (per Hon'ble Sri Justice A. Gopal Reddy)

The mother of the alleged detenu, filed this writ petition for issuance of Writ of Habeas Corpus alleging that her son, namely, Akula Raghavendra was illegally detained by the police, and so far not released. It is stated that earlier she filed W.P.No.15971 of 2007 alleging that Sampati Yellamma @ Akula Swapna; Sampati Padma @ Akula Roja; Sampati Raghavendar @ Akula Raghavender, who were the alleged detenus therein, were arrested by the police in furtherance of Crime Nos.68, 69 & 70 of 2007 for the offence under Sections 41(a) and 109 Cr.P.C., on 24.07.2007 and produced were before the Court of Executive Magistrate, Thimmajipet, who directed them to keep good behaviour for a period of six months and on execution of personal bonds they were let off on the same day. Thereafter, these three detenus were not released by the consent police, but when they were lodged in I Town Police Station, the alleged detenue Nos.1 and 2, namely, Sampati Yellamma @ Akula Swapna and 2. Sampati Padma @ Akula Roja, who are the daughters-in-law of the petitioner herein, were allowed to escape from the Police Station. However the third detenu Sampathi Raghavendra @ Akula Raghavendra (the alleged detenu herein) was not released, but he was again arrested by the police on 14.07.2007 in connection with Crime No.116 of 2007 regarding theft of Cell Phone, and lodged in I Town Police Station from where the alleged detenue Nos. 1 and 2 were allowed escape. It is also submitted by the petitioner that the police came to her house along with the alleged detenu herein on 17.07.2007 and took away her two daughters-in-law, who were allowed to escape on that day itself and also took away some ornaments and a sum of Rs.28,000/-. The police also harassed the alleged detenu herein along with her two daughter-in-laws and was not produced before the Court.

In response to the notice, the Sub-Inspector of Police, Jadcherla Police Station, Mahaboobnagar District, the third respondent herein, filed counter affidavit stating that earlier the petitioner filed W.P.No.15971 of 2007 alleging illegal detention of Akula Swapna @ Yellamma, Akula Roja @ Padma and Akula Raghavendra (alleged detenu herein) by Jadcherla Police. On filing of counter and the certificate issued by the Tahsildar, Jadcherla stating that the alleged detenus are residing in their house, the said writ petition was closed. The alleged detenu in the present case was arrested in connection with Crime No.116 of 2007 for the offence under Section 379 IPC on 9.08.2007 and was produced before the Judicial First Class Magistrate (Juvenile), Mahaboobnagar on the same day and the learned Magistrate remanded the alleged detenu to judicial custody. Pursuant to the said order, he is now lodged at Government Observation Home, Chenchalguda, Hyderabad.

Since the alleged detenu was arrested in connection with Crime No.116 of 2007 and was produced before the Judicial First Class Magistrate, who remanded the alleged detenu to judicial custody and kept at Government Observation Home, Chenchalguda, the allegation that the police illegally detained the alleged detenu, cannot be acceptable.

Accordingly, the Writ Petition is dismissed at the stage of admission.

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(A. GOPAL REDDY, J.)

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(P. SWAROOP REDDY, J.)

24th September, 2007
Js.